

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Washington, D.C. 20210

REPORT ON STATE LEGISLATION

REPORT NO. 7
September 2013

ALASKA HB 76
 (CH 50)

ENACTED June 19, 2013
EFFECTIVE July 1, 2013

Administration

Authorizes the Commissioner of Labor to allow the use of electronic filing methods of certain information in addition to other filing methods. Electronic filings authorized shall be considered as equivalent to paper filing for purposes of compliance with other requirements and for the purposes of civil or criminal penalties for any violations.

Financing

Allows the State Legislature to appropriate money to the State Unemployment Compensation Fund.

Provides that an employer's account may not be relieved of charges relating to an erroneous payment made from the unemployment trust fund account if: (1) the erroneous payment was made because the employer or an agent of the employer was at fault for failing to respond timely or adequately to a documented request for information relating to the claim for unemployment compensation; and (2) the employer or an agent of the employer has established a pattern of failing to respond timely or adequately to requests for claim information. (Applicable to overpaid benefits established after October 21, 2013.)

Adds the word "surcharge" following the words "fund solvency adjustment" in the language relating to the rate of contributions for each employer.

Provides that an employer shall pay a fund solvency adjustment surcharge if the reserve rate is less than 3 percent. The surcharge is a percentage equal to the difference between 3 percent and the reserve rate, rounded to the nearest 1/100 of one percent. An employer shall receive a fund solvency adjustment credit if the reserve rate is greater than 3.3 percent. The credit is a percentage equal to the difference between 3.3 percent and the reserve rate rounded to the nearest 1/100 of one percent. The solvency surcharge may not be greater than 1.1 percent, and the solvency credit may not be greater than 0.4 percent. However, an employer's fund solvency adjustment surcharge may not increase more than 0.3 percent from one year to the next. (Previous law provided that an employer shall pay a fund solvency adjustment equal to the contribution rate set out in column B of the table in this subsection opposite the reserve rate of

the fund set out in column A. However, the fund solvency contribution rate of an employer may not increase or decrease more than three-tenths of one percent from one year to the next.)

Adds language relating to rate increase reductions by providing: when the most current average high cost multiple published by the U.S. Department of Labor, Employment and Training Administration, is 0.8 or above on September 30 in the year preceding the year for which rates are being calculated, the Commissioner shall consult with the actuary in the Department of Labor and Workforce Development regarding the expected unemployment rate for the next tax year, the expected number and amount of State funds needed to pay claims for state-funded benefits for the next tax year, and the expected amount of State tax revenue. Based on the actuary's advice and any other relevant information, the Commissioner may suspend, in whole or in part, any unemployment rate of contribution increases that would have occurred for that year under the calculation of the rate of contributions. If an increase of the rate of contribution calculated is suspended, in whole or in part, the calculation of the fund solvency adjustment surcharge for the subsequent year must refer to the results of the last rate of contribution calculation for which the increase was not suspended, in whole or in part, when determining the level from which the fund solvency adjustment may not increase by more than 0.3 percent. "Average high cost multiple" has the meaning given in the Code of Federal Regulations. (Repealed July 1, 2016.)

Adds new language relating to participation in the federal offset program by providing: in addition to any remedies authorized, the Department may offset any covered unemployment compensation debt against a claimant's federal income tax refund in accordance with federal law. Defines "covered unemployment compensation debt" to mean (a) a past due debt for erroneous payment of unemployment compensation because of fraud or the person's failure to report earnings that has become final and that remains uncollected; (b) contributions due to the unemployment trust fund account for which a person is liable and that remain uncollected; and (c) any penalties and interest assessed on the debt.

Requires the Department to deposit in the State Unemployment Trust Fund account a minimum of 30 percent of the 50 percent penalty of benefits collected due to benefits obtained or increased from misrepresentation or fraud (15 percent).

Overpayments

Deletes the language authorizing the Department to waive the collection of the assessment of an additional 50 percent penalty of benefits obtained fraudulently.

CONNECTICUT HB 6452 ENACTED and EFFECTIVE June 21, 2013
(Public Act 141)

Administration

Requires, commencing with the first calendar quarter of 2014, each employer and agent of the employer to submit quarterly wages for employees, and make contributions and payments in lieu of contributions on magnetic tape, diskette, or other similar electronic means unless a waiver is granted. (Previous law required submittal of such information on magnetic tape, diskette, or

other similar electronic means if the employer/agent reported for 250 employees or more, unless such employer/agent demonstrated that it lacked the technological capability to report such information electronically.)

Provides that any employer/agent submitting quarterly wage reports, or making contributions or payments in lieu of contributions may request a waiver of the electronic filing in writing, not later than 30 days prior to the date a submission is due. The Administrator of the Connecticut Labor Department shall grant such request if, on the basis of information provided, there would be undue hardship for such employer/agent and inform such employer/agent of the granting or rejection of the requested waiver. The decision of the Administrator shall be final and not subject to further review or appeal. Such waiver shall be effective for 12 months from the date granted.

FLORIDA HB 7007
(CH 39)

ENACTED May 17, 2013
EFFECTIVE May 17, 2013,
except as otherwise noted

Administration

Provides that unless exempted, a claim for benefits may not be processed until the work registration requirement is satisfied.

Provides that a person receiving confidential information who violates the confidentiality provisions by revealing an employing unit's or individual's identity obtained under the administration of the unemployment compensation law commits a misdemeanor of the second degree, punishable by a definite term of imprisonment not exceeding 60 days or by sentencing to pay a \$500 fine.

Appeals

Requires, effective January 1, 2014, an appeals referee to be an attorney in good standing with the Florida Bar or be successfully admitted to the Florida Bar within 8 months after his/her date of employment.

Financing

Provides that the additional rate for interest on federal advances shall be assessed against contributing employers. An assessment may not be made if the amount of assessments on deposit from previous years, plus any earned interest, is at least 80 percent of the estimated amount of interest. Assessments on deposit must be available to pay the interest on Title XII advances. Four months after all Title XII advances and associated interest are repaid, any excess assessed funds in the Audit and Warrant Clearing Trust Fund, including associated interest, shall be transferred to the State's Unemployment Compensation Trust Fund. Any assessment amounts subsequently collected shall also be transferred to the State's Unemployment Compensation Trust Fund. (Previous law provided that in the calendar year that all Title XII advances and associated interest are repaid, if there are assessment funds in excess of the amount required to

meet the final interest payment, any such excess assessed fund shall be credited to employer accounts in the State's Unemployment Compensation Trust Fund in an amount equal to the employer's contribution to the assessment for that year divided by the total amount of the assessment for that year, the result of which is multiplied by the amount of excess assessed funds.)

Provides that the following language expires July 1, 2014: If the State is permitted to defer interest payments due during a calendar year under 42 U.S.C. s. 1322, payment of the interest assessment is not due. If a deferral of interest expires or is subsequently disallowed by the federal government, either prospectively or retroactively, the interest assessment shall be immediately due and payable. Notwithstanding any other provision of this section, if interest due during a calendar year on federal advances is forgiven or postponed under federal law and is no longer due during that calendar year, no interest assessment shall be assessed against an employer for that calendar year, and any assessment already assessed and collected against an employer before the forgiveness or postponement of the interest for that calendar year shall be credited to such employer's account in the State's Unemployment Compensation Trust Fund. However, such funds may be used only to pay benefits or refunds of erroneous contributions.

Provides that if a contributing employer or its agent fails to timely or adequately respond to the notice of claim or request for information, the employer's account may not be relieved of benefit charges.

Requires the 15 percent penalty on the amount of overpayments due to fraud be deposited into the State's Unemployment Compensation Trust Fund.

Nonmonetary Eligibility

Adds to the definition of "misconduct," that such conduct may include willful damage to an employer's property that results in damage of more than \$50; theft of employer property or property of a customer or invitee of the employer; committing criminal assault or battery on another employee, or on a customer or invitee of the employer; or committing abuse or neglect of a patient, resident, disabled person, elderly person, or child in his/her professional care.

Provides that an unemployed individual is eligible to receive benefits for any week only if he /she has completed the Florida Department of Labor's online work registration (previously, eligible if registered with the Department for work) and subsequently reports to the one-stop career center as directed by the regional workforce board for reemployment services. This requirement does not apply to persons who are unable to complete the online work registration due to illiteracy, physical or mental impairment, a legal prohibition from using a computer, or a language impediment. If a person is exempted from the online work registration, then the filing of his/her claim constitutes registration for work.

Provides that a claimant's proof of work search efforts may not include the same prospective employer at the same location in 3 consecutive weeks, unless the employer has indicated since the time of the initial contact that the employer is hiring.

Provides that the work search requirements do not apply to persons required to participate in reemployment services.

Disqualifies an individual for benefits for any week that his/her unemployment is due to a discharge from employment for failure without good cause to maintain a license, registration, or certification required by applicable law necessary for the employee to perform his/her assigned job duties. For this purpose, the term “good cause” includes failure of the employer to submit information required for a license, registration, or certification; short-term physical injury which prevents the employee from completing or taking a required test; and inability to take or complete a required test that is outside the employee’s control.

Overpayments

Provides that in addition to a person having to repay benefits received by reason of fraud, the Department shall impose upon the claimant a penalty equal to 15 percent of the amount overpaid.

HAWAII HB 929
 (Act No. 102)

ENACTED June 14, 2013
EFFECTIVE January 1, 2014

Financing

Exempts contributing employers assigned a minimum rate of zero percent or the maximum rate of the applicable schedule (previously, or the maximum rate of 5.4 percent) from being subject to an employment and training fund assessment at a rate of 0.01 percent of taxable wages.

MINNESOTA HB 729
 (CH 85)

ENACTED May 23, 2013
EFFECTIVE May 24, 2013,
except as otherwise noted

Extensions and Special Programs

Provides that an individual who stopped working because of a lockout, with the exception of professional athletes, is eligible for a maximum of 26 weeks in the additional benefits program if the individual meets the eligibility requirements but has exhausted regular unemployment benefits, and is not eligible for extended benefits or other unemployment benefits under any federal law, and the lockout is in active progress.

Authorizes the Commissioner of the Minnesota Department of Employment and Economic Development to request shared-work funds available under Public Law 112-96 and deposit funds received in the Unemployment Trust Fund. Provides that the changes to the shared-work program are effective for shared-work plans approved on or after July 1, 2013.

Changes the requirements for the shared-work plan to allow regular part-time staff to participate and to require a reduction of normal weekly work hours of least 50 percent and up to 90 percent (previously 20 percent and no more than 32 hours per week).

Eliminates the prohibition that employers with the maximum experience rating may not participate in a shared-work plan.

In addition, requires employers: to identify the number of layoffs that would have occurred absent participation in the plan; certify that no seasonal, temporary, or intermittent workers are participants; continue to provide health and pension benefits under the same terms and conditions as if work hours had not been reduced; certify that implementation of the plan is consistent with the employer's obligations under state and federal law; and include the employer's acknowledgement that shared-work benefits paid will be included in future tax computations.

Also requires the employer to provide notice, no later than the date of the approval notification, to employees that a shared-work plan has been submitted. The notice to employees must include the proposed terms of the plan and advise employees of their right to apply for unemployment benefits.

Provides that participants in a shared-work plan must be available during normal hours of work each week or in training when not working. Individuals are eligible for a weekly benefit amount reduced in direct proportion to the reduction in hours established in the shared-work plan and will receive benefits based on actual hours worked calculated with the reduction percentage.

Eliminates the prohibition on an employee working more hours than the reduction stated in the agreement. Requires approval and employee notification for modification of the weekly hours worked by participants in the shared-work plan.

Financing

Requires that employers with no taxable wages during the experience rating period (48 calendar months ending June 30) be assigned a new employer rate (previously if no wages for each of 5 calendar quarters or 14 consecutive quarterly reports).

Provides that the employer base tax rate for calendar year 2014 will be 0.1 percent with no additional assessment if the Minnesota Unemployment Trust Fund on September 30, 2013, is more than \$8 billion. The same base tax rate will apply for calendar year 2015 if the amount is more than \$9 billion on September 30, 2014. This provision expires December 31, 2015.

Nonmonetary Eligibility

Creates the Converting Layoffs into Minnesota Businesses (CLIMB) entrepreneurial program, and provides that the program is considered reemployment assistance training; individuals participating in the program are eligible for unemployment benefits. The deductible earnings provisions and the 32-hour work limitation for participants may be waived for up to 500 participants at any given time.

NEVADA

**AB 86
(CH 405)**

ENACTED and EFFECTIVE June 3, 2013

Administration

Provides that as soon as practicable, but not more than 3 business days after receiving notice from the Department of Employment, Training and Rehabilitation that a judgment has been obtained against a contractor for failure to pay contributions to the Unemployment Compensation Fund, the State Contractors' Board shall notify the contractor by mail that the Board will suspend the license of the contractor if the contractor does not furnish proof, within 30 days after the date of the notice, that the contractor has satisfied the judgment. Failure to timely furnish proof of satisfying the judgment will: (a) summarily suspend the license of the contractor without further notice; and (b) require the contractor to submit to the Board a list of all projects for which the contractor has unfulfilled contractual obligations where the contract was entered into on or before the date of the notice sent by the Board. The suspension shall continue until the contractor furnishes proof that the contractor has satisfied the judgment. During the term of the suspension, the contractor shall not submit any bids for any new work or begin work on any project not described in the list submitted to the Board.

Provides that the Board shall notify: (1) The Office of the Labor Commissioner, which shall add the name of the contractor to the list of contractors who are disqualified to bid on public works; and (2) The State Public Works Board, which shall add the name of the contractor to the list of contractors who are not prequalified to bid on public works. The name of a contractor shall be removed from the lists when notified that the suspension has been lifted.

Provides that the Administrator of the Employment Security Division shall notify the Board of any licensed contractor against whom a judgment is obtained for failure to pay contributions to the Unemployment Compensation Fund.

Provides that except as otherwise provided, information obtained from any employing unit or person in administering provisions concerning licensed contractors' judgments, and any determination as to the benefit rights of any person, is confidential and may not be disclosed or be open to public inspection in any manner which would reveal the person's or employing unit's identity.

NEVADA

**SB 515
(CH 450)**

ENACTED and EFFECTIVE June 10, 2013

Financing

Provides that at the request of the Administrator of the Employment Security Division, the State Board of Finance may issue bonds to fund the repayment of federal advances and interest thereon, to make deposits to or to establish adequate balances in the State's account in the Unemployment Trust Fund to pay the costs of issuing bonds, to pay bond administrative expenses, to fund capitalized interest, to fund bond reserves, to refund or redeem prior bonds, or

otherwise to maintain funds in an amount sufficient to pay unemployment benefits when due. The bonds are special obligation bonds payable primarily out of the special bond contributions that employers are required to pay.

Provides that for each calendar year in which bond obligations and bond administrative expenses will be due, the State Treasurer shall notify the Administrator of the amount of bond obligations, the estimated amount of bond administrative expenses, and certain other amounts in sufficient time to determine the amount of special bond contributions required for that year, for deposit into the Unemployment Compensation Bond Fund. The State Treasurer's calculation of the amounts that will be due is subject to verification by the Administrator.

Provides that, to the extent legally available under federal law, part of the principal due on bonds which is attributable to payment of benefits or the repayment of the principal of Title XII federal advances, exclusive of any interest or bond administrative expenses associated with the bonds, is also payable from money in the Unemployment Compensation Fund, including the Benefit Account, and money credited to the account of the State in the Unemployment Trust Fund.

Provides that if there is a deficiency in the Unemployment Compensation Bond Fund, that part of the principal due on bonds which is attributable to payment of benefits or the repayment of the principal of Title XII federal advances, exclusive of any interest or bond administrative expenses associated with the bonds, may be paid from this State's account in the Unemployment Trust Fund of the United States Treasury.

Establishes as a special dedicated trust fund, separate and apart from all other public money or funds of the State, a fund in the State Treasury to be known as the Unemployment Compensation Bond Fund. All special bond contributions and any other amounts provided for in any contract, instrument, or other agreement entered into must be paid into the Unemployment Compensation Bond Fund, provided that all or a portion of the special bond contributions may be paid into the State's account in the Unemployment Trust Fund of the United States Treasury as may be provided in any contract, instrument, or other agreement entered into. Expenditures of money in the Unemployment Compensation Bond Fund are not subject to specific appropriations. The money in the Unemployment Compensation Bond Fund must be used for any or all of the following purposes:

- (a) Payment of bond obligations and bond administrative expenses;
- (b) Replenishment of bond reserves;
- (c) Funding or replenishment of additional reserves in an amount required under any instrument or agreement related to the bonds to maintain a debt service coverage ratio at least at the level required by the trust indenture and instruments in connection with the bonds or in an amount that may be necessary to maintain any ratings on the bonds at a level determined by the State Treasurer, in his or her sole discretion; and
- (d) Optional redemption, mandatory redemption, purchase, refunding, or defeasance of outstanding bonds.

Provides that money in the Unemployment Compensation Bond Fund may also be used for transfer to the Benefit Account for payment of benefits.

Provides, notwithstanding any other provisions, that all contributing employers are required to pay the special bond contributions. The payment of these bond contributions do not apply to any nonprofit organization, political subdivision, or Indian tribe that makes reimbursements in lieu of contributions. The Administrator shall establish an assessment payable by each employer for the special bond contributions at such rate or rates as the Administrator may prescribe.

Provides that the amount of the special bond contributions must be calculated and assessed annually or more frequently as the amount necessary for the purposes described in (a) through (d) above.

Provides that whenever the cash balance and current estimated receipts of the Unemployment Compensation Bond Fund will be insufficient at any time to meet the covenants and conditions of the trust indenture and other instruments in connection with the bonds, the Administrator shall assess supplemental special bond contributions in an amount sufficient to increase the balance of the Unemployment Compensation Bond Fund to the amount required to meet such covenants and conditions. Special bond contributions are due and payable by each employer in accordance with such regulations as the Administrator may prescribe.

Provides that during any period that no bonds are outstanding, charging additional special bond contributions shall cease, and all employers paying special bond contributions shall be notified that contributions are no longer being assessed. The collection of any special bond contributions previously assessed and not paid may continue. Any money remaining in the Unemployment Compensation Bond Fund when no bonds remain outstanding must be deposited into this State's account in the Unemployment Trust Fund of the United States Treasury.

Amends the definition of "Fund" to mean the Unemployment Compensation Fund to which all contributions, other than special bond contributions or payments in lieu of contributions, are required to be deposited and from which all benefits shall be paid and from which the principal due on a bond which is attributable to the payment of benefits under Title XII of the Social Security Act, as amended, or which is attributable to the repayment of the principal of a federal advance, in each case, exclusive of interest on the bond or bond administrative expenses, may be paid.

Redefines "benefits" to include the principal due on a bond which is attributable to the payment of benefits under Title XII of the Social Security Act, as amended, or which is attributable to the repayment of the principal of a federal advance, in each case, exclusive of interest on the bond or bond administrative expenses.

OREGON HB 2242
(CH 101)

ENACTED and EFFECTIVE May 13, 2013

Monetary Entitlement

Provides for the use of the alternative base period (the last 4 completed calendar quarters) in the case of an individual who is not eligible for benefits using the regular base period, if use of the last 4 completed calendar quarters makes the individual eligible for benefits.

RHODE ISLAND HB 5526 and SB 571 ENACTED and EFFECTIVE June 18, 2013
(P.L. 114) (P.L. 102)

Extensions and Special Programs

Provides that an employer who elects to reimburse the fund in lieu of paying contributions is eligible to participate in the work-share program.

Eliminates the definition of “temporary layoffs” and defines “temporary employment” to mean employment for a limited period of time and/or hired by a temporary agency to fill a gap in an employer’s workforce. Temporary employees shall not be allowed to participate in the work-share program.

Changes the requirements for participation in the work-share program to require the employer to provide health benefits, retirement benefits, or contributions to a defined benefit plan for employees participating in the work-share program under the same terms and conditions as employees not participating in the program and to certify that the work-share plan and implementation are consistent with State and federal laws.

Requires the employer to provide a description of how the plan will be implemented; identify how employees whose workweek will be affected will receive notice; and provide an estimate of the number of layoffs that would have occurred without the plan.

Provides that eligible employees in a work-share program may participate in training to enhance job skills if approved by the State agency.

Provides that if any work-share provision or its application is in conflict with federal law, that provision shall be held invalid without affecting the remaining provisions.

Financing

Provides that work-sharing benefits paid on or after July 1, 2013, that are reimbursed by the federal government will not be charged to employer accounts or to employers liable for payments in lieu of contributions.

SOUTH CAROLINA HB 3751 ENACTED and EFFECTIVE June 7, 2013,
(Act No. 53) except as otherwise noted

Administration

Provides that ‘new hire’ includes an individual newly employed or an individual who has been rehired who was separated for at least 60 consecutive days, or has returned to work after being laid off, furloughed, separated, granted leave without pay, or terminated from employment for at least 60 consecutive days.

Provides that the Department of Employment and Workforce, as soon as practicable, must fully implement an online employer profiling program that allows employers to address potential claims for benefits by one of the employer's former employees and must report progress on implementation upon request by the Chairman of the Senate Labor, Commerce and Industry Committee or the Chairman of the House Labor, Commerce and Industry Committee.

Financing

Requires the deposit of 60 percent of 25 percent (15 percent) of the monetary penalty due on fraudulent claims into the State's unemployment compensation fund.

Provides that notwithstanding any other provision of law, the Department after October 21, 2013, shall not relieve the charging of benefits to an employer's account when the overpayment has been made to a claimant and both of the following conditions apply: (1) the overpayment occurred because the employer was at fault for failing to respond timely or adequately to a written request of the Department for information relating to an unemployment compensation claim; and (2) the employer exhibits a pattern of failure to timely or adequately respond to requests from the Department for information relating to unemployment compensation claims on three or more occasions, or 3 percent of requests made, within a single calendar year, whichever is greater; provided: (a) if an employer uses a third-party agent to respond on its behalf to the request for information relating to an unemployment compensation claim, the agent's actions on behalf of the employer will be considered when determining a pattern of behavior; (b) a response is considered untimely if it fails to meet the time as prescribed in the statute or in the regulations; (c) a response is considered inadequate if it fails to provide sufficient facts to make an accurate determination of benefits that does not result in an overpayment. However, a response may not be considered inadequate if the Department fails to request the necessary information.

Provides that the employer's account shall be charged for each week of unemployment compensation that is an overpayment due to the employer's fault until the individual is no longer eligible for unemployment compensation and the Department stops making such payments.

Provides that if the claim is a combined wage claim, the determination of not charging for the combined wage claim shall be made by the paying State. If the response from the employer does not meet the criteria established by the paying State for an adequate or timely response, the paying State must promptly notify the transferring State of its determination, and the employer must be appropriately charged.

Provides that the charging of benefits to an employer's account must be waived when the employer failed to timely or adequately respond due to good cause.

Creates, effective October 1, 2013, in the State Treasury a special fund to be known as the Department of Employment and Workforce integrity fund, which shall consist of monetary penalties collected on overpayments due to fraud for the purpose of promoting unemployment compensation integrity. The integrity fund shall be used for the purpose of preserving the integrity of the unemployment compensation fund including identifying overpayments, verifying eligibility, determining status, and updating technology and educational tools to support integrity

activities. All money collected in the integrity fund must be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as are provided by law for other special funds in the State Treasury, except that money in this fund must not be commingled with other State funds, but must be maintained in a separate account. All money in this fund must be expended solely for the purpose of promoting unemployment insurance integrity efforts by the Department.

Overpayments

Provides that notwithstanding any other provision of law, if an improper payment from the unemployment compensation fund or from any federal unemployment compensation fund was made to any individual due to a false statement or failure to disclose a material fact, the Department will assess a monetary penalty of 25 percent of the amount of the overpayment after October 21, 2013.

Provides that the recovered amounts shall be applied with priority to: (1) the principal amount of the overpayment to the unemployment compensation fund; (2) 60 percent of the 25 percent monetary penalty (15 percent) to the unemployment compensation fund; (3) the remaining 40 percent of the 25 percent monetary penalty (10 percent) to promote unemployment compensation integrity; and (4) any remaining amounts to interest.

Provides that the offset of future unemployment insurance benefits shall not be applied to the monetary penalty or interest associated with an overpayment.

TEXAS HB 1580
 (CH 310)

ENACTED June 14, 2013
EFFECTIVE September 1, 2013

Financing

Provides that benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if: (1) the employment did not constitute suitable work for the employee, and (2) the employee worked for the employer for less than 4 weeks. (Applicable only to a claim for unemployment compensation benefits filed on or after September 1, 2013.)

Nonmonetary Eligibility

Provides that an individual who voluntarily leaves the individual's last work is not disqualified for benefits if: (1) at the time the last work began, the individual was receiving benefits, (2) the work did not constitute suitable work for the individual, and (3) the individual was employed at the last work for less than 4 weeks. (Applicable only to a claim for unemployment compensation benefits filed on or after September 1, 2013.)

TEXAS HB 2034
 (CH 1398)

ENACTED June 14, 2013
EFFECTIVE September 1, 2013

Financing

Provides that benefits may not be charged to the account of an employer, regardless of whether the liability for the chargeback arises in the employee's current benefit year or in a subsequent benefit year, if the employee's last separation from the employer's employment before the employee's benefit year was or would have been excepted from disqualification due to leaving work to enter training if the work was not suitable employment, or leaving work to attend commission-approved training and the individual's last work did not constitute suitable work. (Applicable only to a claim for unemployment compensation benefits filed on or after September 1, 2013.)

Nonmonetary Eligibility

Provides that an individual is not disqualified for benefits if: (1) the individual left the individual's last work to attend commission-approved training, and (2) the individual's last work did not constitute suitable work for the individual. (Applicable only to a claim for unemployment compensation benefits filed on or after September 1, 2013.)

Repeals the provisions providing that an individual is disqualified for benefits for the period for which he/she left his/her most recent work to attend an established educational institution, and providing that this disqualification does not apply to a period in which the individual is in training with the approval of the Commission. (Applicable only to a claim for unemployment compensation benefits filed on or after September 1, 2013.)

TEXAS HB 3005
 (CH 1300)

ENACTED and EFFECTIVE June 14, 2013

Financing

Provides that notwithstanding the provisions relating to the use of requisitioned money or any other certain provision of law, the Texas Workforce Commission, under an agreement with or waiver by the U. S. Secretary of Labor, may use money requisitioned from the State's account in the federal trust fund to conduct demonstration projects for the reemployment of unemployed individuals in the manner prescribed by that agreement or waiver and consistent with any applicable requirements under federal law. The Commission shall provide to the legislative standing committees with primary jurisdiction over the commission any evaluation reports required by the U. S. Department of Labor for a reemployment demonstration project.

Administration

Provides that the Office of Legislative Council shall study the issue of unemployment compensation, its application to newspaper carriers, and the relationship between State and federal exemptions to the unemployment compensation statutes and report its findings to the House Committee on Commerce and Economic Development and the Senate Committee on Finance on or before January 15, 2014.

Coverage

Provides that the Vermont Department of Labor shall not implement proposed rule 12P044, unemployment insurance coverage for direct sellers and newspaper carriers, and shall not propose or adopt any rule, issue any bulletin, or take any other action regarding unemployment compensation and newspaper carriers prior to July 1, 2014.

Financing

Relieves an employer of charges for benefits paid to an individual for any week of unemployment occurring due to a presidentially declared major natural disaster up to a maximum of 4 weeks, if the individual's unemployment is directly caused by such disaster and the individual would have been eligible for federal disaster unemployment assistance but for the receipt of regular benefits.

Provides that the Department shall establish a system to provide unemployment compensation tax relief to employers paying a higher rate of contributions due to layoffs directly caused by federally declared natural disasters occurring in year 2011. Unemployment compensation tax relief shall be available to an employer provided that the employer's employees were separated from employment as a direct result of the disaster. Benefits paid beyond 8 weeks shall remain chargeable to the employer. The tax relief shall not be available to employers electing to make payments in lieu of contributions. Benefit charge relief shall not result in the recalculation of previously assigned rate classes for nondisaster-impacted employers. The amount of \$60,000 is appropriated for the costs of postage and for hiring temporary positions necessary to implement the unemployment compensation tax relief program.

Extensions and Special Programs

Creates a work-share program and defines it as a program approved by the Department of Workforce Development under which the hours of work of 2 or more employees in the work unit are reduced in lieu of layoffs.

Provides that any employer creating a work-share program must submit a plan for approval and certify that the plan is in compliance with all requirements. The work-share plan must include the specific work unit, the affected positions, and the names of the employees filling those positions in which the plan will be implemented; provide for inclusion of at least 10 percent of the employees in the affected unit on the date plan is submitted as well as initial coverage of at least 20 positions on the effective date of the program; specify the normal average hours per week worked and the percentage reduction in the average hours of work (applied in a uniform manner with at least 10 percent but less than 50 percent) for each employee, exclusive of overtime hours; a description of how federal requirements will be met, including a plan for giving notice to employees of schedule changes; an estimate of the number of layoffs that would be avoided; how fringe benefits will be affected other than fringe benefits required by law; a statement that the plan is in compliance with all employer obligations under federal and State laws; and an indication if the plan will include training to enhance job skills and acknowledge that employees may participate in training.

Requires that the plan will not exceed a total of 6 months in any 5-year period within the same work unit and that there is an equitable apportionment of the reduced working hours among employees in the program.

Provides that no seasonal, temporary, or intermittent employees will be included in the plan and that employees participating must have been employed at least 3 months on the effective date of the plan and are regularly employed by the employer.

Provides that the plan becomes effective on the later of the Sunday of the 2nd week after plan approval or the Sunday after the date specified in the plan, and ends 6 months after the effective date. The plan may be modified if approved by the Department; the Department may revoke the plan for good cause.

Provides that an employee participating in the work-share program shall receive a weekly benefit amount reduced by the proportionate reduction in hours worked, not to exceed the maximum benefit entitlement for the benefit year, and eligibility for other benefits shall not be affected by participation in the program.

Provides that an individual may work for an employer other than the employer that created the work-share plan, but is not eligible for benefits for any week that work hours exceed 90 percent of the average regular hours (for plan employer and/or another employer). The individual may receive the higher of the weekly benefit amount reduced proportionally under the work-share program or the partial benefit amount calculated after the reduction made for earnings. Individuals participating in the work-share program are not required to be available for work other than the normal working hours or any additional training hours; are not required to register for work or complete work search activities; shall continue to receive coverage under any defined benefit or defined contribution retirement plan and any health insurance coverage, including employer contributions, under the same terms and conditions as if the employee were not in the work-share program; and shall not lose eligibility for benefits solely as a result of participation in the program.

Provides that the program terminates the 2nd Sunday following the date the employer files notice with the Department to discontinue the program or on the 2nd Sunday following any week in which the employer has fewer than 20 employees. A successor employer may continue the work-share program or terminate the program by filing notice.

Requires the Secretary of the Department to seek full federal participation for the costs of administration of the program and allows the Secretary to waive compliance with any requirement to ensure federal certification for grants under Title III of the Social Security Act or full federal financing for administration of the program. Permits a delayed implementation no later than December 31, 2013, with approval of the Joint Committee on Finance.